

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**VS.**

**RONALD BARTH,**

**Defendant.**

**8:06CR408**

## ORDER

This matter is before the court on the motion to continue by defendant Ronald Barth (Barth) (Filing No. 12). Barth seeks a continuance of the trial of this matter which is scheduled for February 20, 2007. Barth's counsel represents that counsel for the government has no objection to the motion. Barth's counsel represents that Barth consents to the motion and will submit an affidavit wherein Barth acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motion will be granted.

**IT IS ORDERED:**

1. Barth's motion to continue trial (Filing No. 12) is granted.
2. Trial of this matter is re-scheduled for **April 30, 2007**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **February 16, 2007 and April 30, 2007**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendants' counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 16th day of February, 2007.

BY THE COURT:

**s/ Thomas D. Thalken**  
United States Magistrate Judge